

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Horsham District Council FAO: Sam Whitehouse
FROM:	WSCC Highways - Public Rights of Way
DATE:	18 March 2026
LOCATION:	Thakeham Mushrooms, Chesswood Nurseries Storrington Road, Pulborough RH20 3DY
SUBJECT:	DC/26/0266 Demolition of existing buildings and the redevelopment of the site to provide 150 dwellings, including affordable housing, land for the community land trust, works to public right of way and associated landscaping, open space and infrastructure.
DATE OF SITE VISIT:	n/a
RELEVANT PUBLIC RIGHTS OF WAY NUMBER(S):	Footpath 2474, Bridleway 2404 Footpath 2405, Footpath 2463_1 Bridleway 2473, Bridleway 3676
RECOMMENDATION:	No Objection (With Conditions)
S106 CONTRIBUTION TOTAL:	n/a

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

As stated in the NPPF, para 104, Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Defra Rights of Way Circular (1/09) states The effect that a proposed development will have on Public Rights of Way is a material consideration for planning authorities when deciding whether or not to approve a planning application. The potential consequences on Public Rights of Way must be taken into account. Information supplied by an applicant should therefore explain how the potential development will impinge on Public Rights of Way.

Bearing the above in mind, my comments are as follows, based on proposed improvements to the Public Rights of Way (PRoW) network.

Bridleway 2483

The proposed improvement to Bridleway (BW)2483 secured via a S106 obligation will be welcomed should

- a) ecologists / the Sussex Badger Trust deem improvements possible given the badger sett issue, and
- b) the developer then delivers the improvements.

Footpath 2405

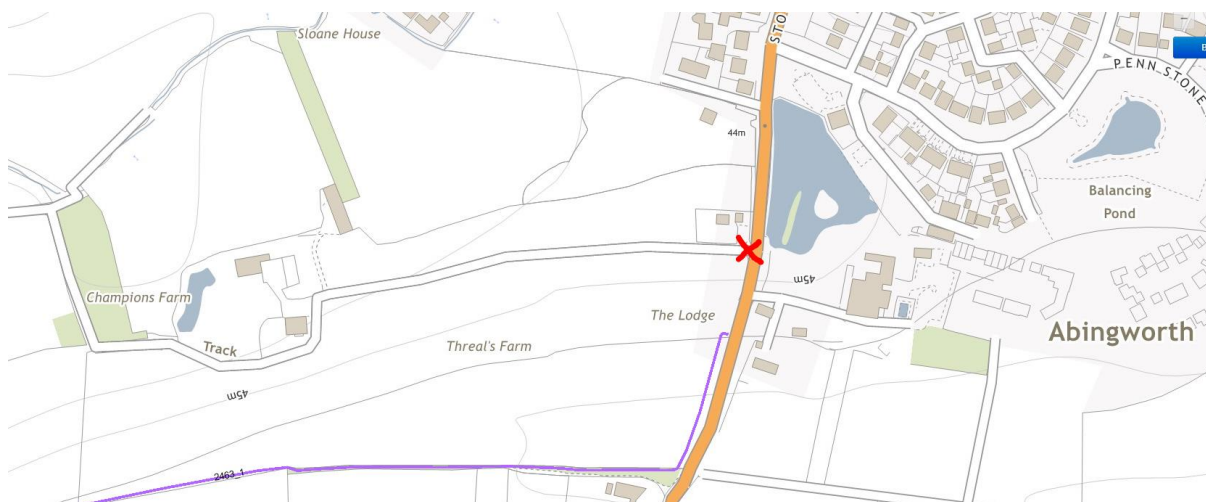
An upgrade to bridleway status both legally and physically would be welcomed but requires landowner permission as outside of the developer's control. The eastern end requires widening which would require the landowner to dedicate a 3m width as well as dedicate bridleway rights across the entire length. Being outside of the red line boundary, the developer should be obligated to secure such permissions and then deliver the improvements, or, failing to do so, make a financial contribution under a S106 agreement that will allow WSCC's PRoW team to pursue this at a later date.

Footpath 2448

Resurfacing works to Footpath (FP)2448 are welcomed but note that the path is to remain a footpath. We prefer to carry out such works ourselves but would require a financial contribution secured via a S106 agreement that would allow us to replace the steps with a ramp and install a handrail.

Footpath 2463_1

Whilst not to become a PRoW but presumably fall within the Highway boundary, I welcome the extension of the footway along the B2139 from the site allowing safe access southwards towards FP2463_1. The footway is only required as far as the track heading westwards off of the B2139 opposite Abingworth Hall, marked with a red cross below.



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Footpath 2474

The physical improvement to bridleway standard and conferral of bridleway rights over FP2474 within the site boundary are welcomed. An obligation should be placed upon the developer to obtain permission from the landowner of the site that lies between south of the red line boundary and High Bar Lane to also confer bridleway rights.

General Notes

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal

Order process by (***) District Council) as the local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 8 weeks is needed to consider an application.

Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

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Rights of Way information is not definitive.

Donna Trethewey
Planning and Communities Officer
Public Rights of Way
West Sussex County Council